



**Request for City Council Committee Action  
From the City Attorney's Office**

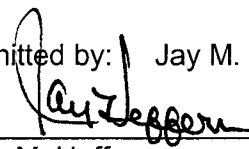
Date: December 8, 2003

To: Ways and Means/Budget Committee

Subject: **Establishment of Legal Services Panels**

**Recommendation:** That the City Council adopts the City Attorney's recommendation for placing attorneys and law firms on the City's Legal Services Panel; further recommends that the City Attorney be authorized to negotiate and enter into "Master Agreements" be for the period January 1, 2004, through December 31, 2006, with the cost for each agreement not to exceed \$300,000 for the three year period, further recommends that the City Council waive the request for proposals process for conflicts covered by the collective bargaining agreement with the Minneapolis Police Officers Federation.

Prepared or Submitted by: Jay M. Heffern, City Attorney, 673-3272

Approved by:   
Jay M. Heffern  
City Attorney

Presenters in Committee: Peter Ginder, Assistant City Attorney, Civil

**Financial Impact** (Check those that apply)

- ☐ No financial impact - or - Action is within current department budget.  
(If checked, go directly to Background/Supporting Information)
- ☐ Action requires an appropriation increase to the Capital Budget
- ☐ Action requires an appropriation increase to the Operating Budget
- ☐ Action provides increased revenue for appropriation increase
- ☐ Action requires use of contingency or reserves
- ☒ Other financial impact (Explain): Appropriations for 2004 in adopted budget
- ☐ Request provided to the Budget Office when provided to the Committee Coordinator

**Background/Supporting Information:**

In 1998, the City instituted a process for the City Attorney's Office to retain outside counsel. The need for outside counsel usually arises when there is a conflict, the office lacks specialized expertise, or the office is involved in very complex litigation. The process includes development of a Request for Proposals (RFP), approval of the RFP by the City's Procurement Review Committee (PRC), and review and approval of the RFP by the Ways & Means/Budget Committee and the City Council. This process was repeated in 2000 and new legal services panels were created for a three year period. The current "Master Legal Services Agreements" expire on December 31, 2003. Therefore a new RFP was prepared, approved by the PRC and the City Council, and published.

In response to the RFP, twenty individual attorneys and firms submitted proposals. A committee, consisting of Peter Ginder, Joseph LaBat and myself, evaluated the proposals based on the criteria in the RFP. These criteria are the following: 1) cost, 2) experience and expertise, 3) ability to perform within public policy, 4) resources of the attorney or firm, 5) the ability to respond in a timely manner, 6) diversity in the workplace, 7) responsiveness to the RFP, and 8) ability to represent the City.

Based on the Committee's evaluation of the proposals, the following attorneys or law firms are recommended to be placed on the City's legal services panels for the period January 1, 2004 – December 31, 2006.:

Bankruptcy: McGrann, Shea, Anderson, Carnival, Straughn & Lamb

Cable, Telecommunications: Creighton, Bradley, Guzzetta; Lockridge, Grindal, Nauen; Moss & Barnett

Civil Rights Law: Greene Espel; Halleland, Lewis, Nilan, Sipkins & Johnson; Kennedy & Graven; Lockridge, Grindal, Nauen; Pustorino, Tilton, Parrington & Lindquist; James C. Selmer; Smith Parker

Condemnation: Best & Flanagan; Jeffrey R. Brauchle, P.A.; Burstein Law Firm; Popham Law Office; James C. Selmer;

Construction Law: Hinshaw & Culbertson; Kennedy & Graven; McGrann, Shea, Anderson, Carnival, Straughn & Lamb

Contract Law: Halleland, Lewis, Nilan, Sipkins & Johnson; Hinshaw & Culbertson; Kennedy & Graven; McGrann, Shea, Anderson, Carnival, Straughn & Lamb; Ward & Ward

Criminal Prosecution: Burstein Law Firm

Environmental Law: Greene Espel; Kennedy & Graven; Lockridge Grindal Nauen, P.L.L.P.

General Municipal Law: Best & Flanagan; Greene Espel; Halleland, Lewis, Nilan, Sipkins & Johnson; Kennedy & Graven; Lockridge, Grindal, Nauen; McGrann, Shea, Anderson, Carnival, Straughn & Lamb; Popham Law Office; Rider Bennett Egan & Arundal; James C. Selmer; Smith Parker; Ward & Ward

Health Care: Jesson & Pust

Labor/Employment Law: Goldberg, Swanson & Paulsen; Greene Espel; Halleland, Lewis, Nilan, Sipkins & Johnson; Jesson & Pust; McGrann, Shea, Anderson, Carnival, Straughn & Lamb; Popham Law Office; Smith Parker; Ward & Ward

Real Estate: Best & Flanagan; Jeffrey R. Brauchle, P.A.; Halleland, Lewis, Nilan, Sipkins & Johnson; McGrann, Shea, Anderson, Carnival, Straughn & Lamb

Workers Compensation Law: J. David Abramson; Peterson & Hektner; Pustorino, Tilton, Parrington & Lindquist; James C. Selmer

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There are other law firms with particular legal specialties which are not represented on the proposed panel. The City Attorney retains the flexibility to employ firms with extremely narrow specialties, or to hire newly formed law firms in order to address the City's legal services needs. Further, the City/Minneapolis Police Officers Federation collective bargaining agreement provides that the City establish a conflicts panel for the defense of police officers in civil actions. That panel will be negotiated separately with the Federation. The Police Labor Contract provides the legal basis for the payment of fees in conflicts cases, with the result that normal City procurement policies are not applicable. Consequently, the City needs to waive its procurement process for that conflicts panel.

JMH:kc/03A-00730